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APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,662	03/19/2001	Thomas W. Baker	Baker 8	9406

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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/811,662

Applicant(s)

BAKER, THOMAS W.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed June 9, 2005. No claims have been amended, added, or cancelled. Claims 1-19 are pending in the present application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3-6 and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,635,088 issued to Hind et al. (hereinafter referred to as Hind).

Regarding claim 1, Hind teaches a method of processing a received message, the method comprising:

receiving a message expressed in a non-negotiated language (abstract; figures 3A-3B);

recognizing to what extent the message is capable of being discerned (col. 1, lines 15-34, line 57 to col. 2, line 2); and

processing the message, to the extent the message can be discerned (col. 1, lines 48-61).

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Regarding claim 3, Hind teaches the method of claim 1, wherein the message comprises: a start tag and an end tag (col. 2, lines 27 and 57).

Regarding claim 4, Hind teaches the method of Claim 3, wherein the message further comprises data encapsulated between said start and end tag (col. 2, lines 56-67).

Regarding claim 5, Hind teaches the method of claim 1, wherein said step of processing the message, comprises executing an instruction associated with the message (col. 2, lines 24-55).

Regarding claim 6, Hind teaches a method of processing received messages, the method comprising:

receiving a message in a non-negotiated language (abstract; figures 3A-3B);

parsing said messages to determine if said messages are decipherable (col. 1, lines 15-34, line 62 to col. 2, line 23); and

processing those messages determined to be decipherable (col. 1, lines 48-61).

Regarding claim 8, Hind teaches the method of claim 6, wherein the step of processing comprises executing an instruction associated with at least one of said comprehended messages (col. 2, lines 24-55).

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Regarding claim 9, Hind teaches the method of Claim 6, wherein the step of processing comprises storing data associated with at least one of said comprehended messages (col. 3, lines 23-48).

Regarding claim 10, Hind teaches the method of claim 6, wherein said comprehended messages are written in a human readable text message (col. 2, lines 23-28).

Regarding claim 11, Hind teaches the method of Claim 8, wherein said executing an instruction comprises displaying information associated with at least one of said deciphered messages (col. 12, lines 14-19).

Regarding claim 12, Hind teaches the method of Claim 6, wherein at least one of the messages comprises a start tag, an end tag and data encapsulated between said tags (col. 2, lines 23-55).

Regarding claim 13, Hind teaches the method of Claim 6, wherein at least one of the messages is written in an Extensible Markup Language (abstract).

Claims 2, 7 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind in view of USPN 6,738,803 issued to Dodrill et al (hereinafter referred to as Dodrill).

Regarding claim 2, Hind fails to teach the method of claim 1, further comprising the step of: disregarding the message to the extent the message is not capable of being discerned. Dodrill teaches disregarding a message that cannot be discerned (abstract; col. 4 line 62 to col. 5, line 27). At the time the invention was made, one of ordinary skill in the art would have been motivated to disregard a message to the extent the message is not capable of being discerned in order to allow only messages that are capable of being discerned to pass through the system, therefore minimizing processing time.

Claim 7 is similar to claim 2, therefore are rejected under the same rationale.

Regarding claim 14, Hind teaches a system for receiving at least one message expressed in a non-negotiated language, comprising:

a tag recognizer configured to determine to what extent the message can be processed by analyzing tags in the message (col. 1, lines 15-61); and

a controller configured to process the message based on the determination of the tag recognizer (col. 1, lines 15-34, line 62 to col. 2, line 23).

However, Hind fails to explicitly teach disregarding an unrecognized message. Dodrill teaches disregarding an unrecognized message (abstract; col. 4 line 62 to col. 5, line 27). At the time the invention was made, one of ordinary skill in the art would have been motivated to disregard an unrecognized message in order to allow only messages that are capable of being discerned to pass through the system, therefore minimizing processing time

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Regarding claim 15, Hind teaches the system of Claim 14, wherein the message is a readable text language (col. 2, lines 23-55).

Regarding claim 16, Hind teaches the system of Claim 14, wherein at least one message includes a start tag and an end tag (col. 2, lines 23-55).

Regarding claim 17, Hind teaches the system of Claim 14, wherein said system is a personal digital assistant (PDA) for receiving the message in a wireless environment whereby no fixed handshaking protocol is used to receive the message (col. 3, lines 8-10).

Regarding claim 18, Hind teaches the system of Claim 17, wherein said PDA displays information to a user to the extent the message is discerned by said parser (col. 3, lines 1-48).

Regarding claim 19, the system of Claim 14, Hind teaches wherein the message is written in an Extensible Text Markup Language (col. 4, lines 42-64).

### ***Response to Arguments***

Applicant's arguments with respect to independent claims 1 and 6 have been considered but they are not persuasive.

In response to Applicant's argument that Hind does not teach recognizing to what extent a message is capable of being discerned or parsing messages to determine if the messages are decipherable as recited in independent claim 1, the Patent Office respectfully submits that this is

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taught in col. 1, lines 25-27, lines 58-61, as well as col. 1, line 67 to col. 2, line 2 of Hind.

Specifically, the cited area of Hind teaches a parser recognizing characters in an XML tag (col. 1, line 25-27), parsing tags of the model from the received file (col. 1, lines 58-61), and the DTD telling the parser how to interpret the document, which was created according to that DTD (col. 1, line 67 to col. 2, line 2). In this case, the parsing of the XML tag is interpreted as recognizing to what extent a message is capable of being discerned as claimed by Applicant.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).



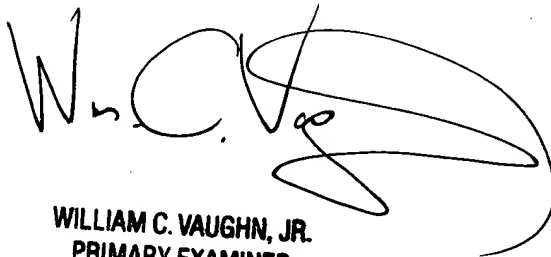
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER